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March 2, 2020

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**By ECF**

Honorable Barbara C. Moses  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Morgan Art Foundation Ltd. v. McKenzie*, No. 1:18-cv-4438-AT-BCM**

Dear Judge Moses:

I represent James Brannan as Personal Representative of the Estate of Robert Indiana (the "Estate") in the action referenced above. Pursuant to Your Honor's Individual Rule of Practice No. 3, and Section 6 of the SDNY ECF Rules and Instructions, I write to request leave to file the Estate's Second Amended Answer and Counterclaim ("SAAC") under seal.

The ground for this motion is that Morgan Art Foundation Ltd., Figure 5 Art LLC, Shearbrook (US) LLC, RI Catalogue Raisonne LLC, and Simon Salama-Caro (collectively "Morgan"), have requested that certain information contained in the SAAC and its exhibits be filed under seal and redacted from the publicly-available version of the document.

The Estate does not believe that any information contained in the SAAC necessitates filing under seal or redaction, with the exception of bank account numbers that have already been redacted from certain exhibits pursuant to Fed. R. Civ. P. 5.2(a).<sup>1</sup>

On February 28, 2020, Your Honor ordered the Estate to file the SAAC by today. On February 28th, Morgan's counsel was asked to identify any requested redactions, and this request was repeated today, March 2nd. Counsel for Morgan did not respond until late in the day today, leaving insufficient time for the preparation of a proposed redacted version of the SAAC. So as to comply with Your Honor's order that the SAAC be filed no later than today, (ECF No. 224) an unredacted copy of the SAAC is being filed under seal and provided to counsel for Morgan, so that Morgan may submit its letter pursuant to Your Honor's Individual Practices identifying

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<sup>1</sup> Under Section 6 of the SDNY ECF Rules and Instructions, the partial redaction of bank account numbers in compliance with Federal Rule of Civil Procedure 5.2(a) does not require leave of the court.



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any portions it believes should be redacted and providing its justification for the request that those portions remain under seal.

Respectfully Submitted,

/s/ Jessie F. Beeber

cc: All Counsel of Record (by ECF)